

To: Michaud, John[Michaud.John@epa.gov]; Mitchell, Stacey[Mitchell.Stacey@epa.gov]
From: Ward, W. Robert
Sent: Thur 8/13/2015 11:34:18 PM
Subject: FW: STATEMENT on False Claims from Navajo

Wanted to make sure you had seen this language.

W. Robert Ward

Regional Counsel

U.S. Environmental Protection Agency

Region VIII

303-312-7100 (direct)

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From: Russo, Rebecca
Sent: Thursday, August 13, 2015 5:20 PM
To: McClain-Vanderpool, Lisa
Cc: Ward, W. Robert
Subject: FW: STATEMENT on False Claims from Navajo

See below.

Rebecca A. Russo

Region 8 Congressional and Intergovernmental Liaison

Office: 303-312-6757

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From: Purchia, Liz

Sent: Thursday, August 13, 2015 1:38 PM

To: Harrison, Melissa; StClair, Christie; Keener, Bill; Gray, David; Daguillard, Robert; Higuchi, Dean; Maier, Brent; Harris-Bishop, Rusty; Mogharabi, Nahal; Hull, George; Smith, Paula

Subject: STATEMENT on False Claims from Navajo

All – If you see stories innacurately making this claim, please proactively ask reporters to correct with this statement. It has been approved by EOC.

Monica is going to look at press@epa.gov inquiries.

R6/R8 – please correct with media in your region.

“The U.S. Environmental Protection Agency is offering immediate reimbursements for damages from the Gold King Mine water contamination in exchange for waiving rights for future claims.”

<http://www.navajonsn.gov/News%20Releases/OPVP/2015/aug/Operation%20To%20Litso.pdf>

EPA is not offering immediate reimbursements for damages from the Gold King Mine water and it is not true that if someone submits a claim that by doing so they limit or waive future rights.

EPA's Federal Tort Claims Act (FTCA) regulation provides that a person may amend their claim form at any time prior to reaching a settlement with EPA, or before the person files a lawsuit under the FTCA. Additionally, a person claiming an injury or damage has two years from the date of the event to file a claim with EPA under the FTCA. (40 CFR Part 10).

While EPA has made Form 95 available for filing a claim, EPA has also noted on the Region 8 website that:

"Standard Form 95 is not required to present a claim under the FTCA, but it is a convenient format for supplying the information necessary to bring an FTCA claim. Please note that a completed form must state a claim for money damages in a "sum certain" amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property."

Liz Purchia

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